

CITY OF BELMONT
PLANNING COMMISSION

ACTION MINUTES

TUESDAY, SEPTEMBER 5, 2006 7:00 PM

Chair Parsons called the meeting to order at 7:01 pm. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Horton, Frautschi, Mercer, Wozniak
Commissioners Absent: Mayer, McKenzie

Staff Present: Community Development Director de Melo (CDD), Associate Planner Walker (AP), Zoning Technician Gill (ZT), City Attorney Zafferano, (CA), Recording Secretary Flores (RS).

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR

4A. Minutes of August 1, 2006

MOTION: By Commissioner Frautschi, seconded by Commissioner Mercer, to accept the Minutes of Tuesday, August 1, 2006 as revised by Commissioner Frautschi prior to the meeting.

Ayes: Frautschi, Mercer, Wozniak, Parsons

Noes: None

Abstain: Horton

Absent: Mayer, McKenzie

Motion passed 4/0/1/2

5. NEW BUSINESS

5A. Review of Landscape Plan – 2207 Coronet Boulevard

ZT Gill summarized the staff memorandum, recommending approval of the Landscape and Retaining Wall Plan modifications with the two additional conditions discussed in the memo.

Commissioner Mercer asked for clarification of the type of evergreen plants proposed.

Mark English, Architect, stated that the Sierra Blue, Ceanothus Cyaneus plants will grow up to 10' but the intent would be to keep it trimmed to about 6' in a native manner rather than an architectural manner.

Commissioner Wozniak asked for the definition of "concentration load." Mr. English explained it refers to the retaining wall that will retain 3' of earth to provide for the vehicle load for the required off-street parking; the calculations are elsewhere in the drawings and have been shown to Building staff.

Commissioner Mercer stated her concern that the natural Oak leaf litter under the Oaks beneath the house will be disturbed during construction, in which case weeds will grow. She suggested that they replace this with some sort of mulch when construction is completed.

MOTION: By Commissioner Wozniak, seconded by Commissioner Horton, to adopt the Resolution approving the final landscape/retaining wall plan for 2207 Coronet Boulevard (Appl. No. 2005-0074) with the addition of replacement of the Oak leaf litter with some kind of mulch in the back after construction.

Ayes: Wozniak, Horton, Mercer

Abstain: Frautschi, Parsons

Noes: None

Absent: Mayer, McKenzie

Motion passed 3/2/2

6. PUBLIC HEARINGS:

6A. PUBLIC HEARING – 1920 Hillman Avenue

To consider a 599 square foot addition to an existing 1,295 square foot single family residence, resulting in a total of 1,894 square feet that is below the zoning district permitted 2,622 square feet for this site. APPL. NO. 2006-0046; Zoned: R-1B (Single Family Residential)

APN: 044-062-120

CEQA Status: Categorical Exemption per Section 15301, Class 1

Applicant/Owner: Allison and David Orenstein

CDD de Melo summarized the staff report, recommending approval of the single-family Design Review with the Conditions of Approval as attached.

Responding to Commissioner Mercer's question regarding the structural stability of the 6' wall where the parking pad is, CDD de Melo stated that it is a Versalock wall, a type of crib-lock or keystone design wall, and that the Building Official did not have chief concerns with the design and construction of the wall. Structural calcs have to be provided as part of the building permit design but they did not flag it as an issue at this stage based upon the type of construction and its location in conjunction with the parking pad.

Commissioner Mercer questioned the height of the wall on the west side of the property, facing the neighbor next to where they will park their cars. Ann Hoffman, landscape architect for the project, clarified that it is at existing grade next to the neighbor, so the neighbor will not be looking at a wall – the walls will be the same height and elevation and are touching each other right on the property line. The wall beside the stairs that go down behind the parking area will be made of the block Versalock wall. She described the construction of the wall.

MOTION: By Commissioner Frautschi, seconded by Commissioner Wozniak to close the public hearing. Motion passed.

Commissioner Frautschi thanked the applicants for the thorough neighborhood outreach and for protecting the Oaks and larger trees on the property. He could make all findings except B(3) because half of the lot is covered by some form of hardscape. He feels the landscape architect and architect could look at areas where they could possibly reduce the hardscape. He also had concerns about the necessity for the pavers on the left side of the driveway and the lack of a formal garage.

Vice Chair Horton had no problems with the project but hoped that some day they would build a garage. She found the hardscape acceptable with the changes that had been made.

Commissioner Mercer was not pleased to see a home built to the maximum that the lot is capable of holding, but since it is within code she was able to make all of the findings. She felt the applicant had at least respected the wooded feeling by choosing natural and wood blending materials and colors for the home and kept it very low profile from the street, so that at least it is done in a subtle and understated way.

Commissioner Wozniak could not make the first finding because she did not feel that the project conforms to the neighborhood since most of the houses have garages. She believes this project should have a garage. She agreed that the hardscape is excessive and could not make that finding, especially since there is no garage and no driveway and only two off-street parking spaces. She appreciated the sensitivity to the landscape and keeping the trees intact. She felt it was hard to visualize what the house will look like without an elevation because a lot of it will be below street level.

Chair Parsons felt that this is a nice redesign, and that the only way they could have included a garage would have been to tear down part of the existing residence to stay within the side yard setback. He would like to see less hardscape, maybe by cutting back on the patio in front or some of the walk going down the left side of the property, but he could not find a reason to oppose the project.

MOTION: By Vice Chair Horton, seconded by Chair Parsons, to adopt the Resolution approving a Single-Family Design Review at 1920 Hillman Avenue (Appl. No. 2007-0046).

Ayes: Horton, Parsons, Mercer
Noes: Wozniak, Frautschi
Absent: Mayer, McKenzie

Motion passed 3/2/2

Chair Parsons stated that this item may be appealed to the City Council within 10 calendar days.

6B. PUBLIC HEARING – 873-877 Ralston Avenue

To consider a Conditional Use Permit and Design Review to renovate two existing commercial/office buildings through significant architectural updating, including a new roof, realignment of store frontages, construction of a covered breezeway over an existing walkway between the two buildings, replacing and upgrading the exterior building material and window treatments to better meet the intent of the Downtown Specific Plan guidelines. In addition, the parking and landscaping behind the buildings will be upgraded. The project will result in an overall reduction of square footage from 8,633 to 8,313 square feet. APPL. No. 2006-0086

APN: 045-182-050, -060, -180, and -190; Zoned: C-2/D-1 (General Commercial/Design Control Combining District)

CEQA Status: Categorical Exemption per Section 15303(b)

Applicant/Owner: Ralston Associates

CDD de Melo recommended that the Commission continue this item to date certain September 19th since there were some issues relative to grading for the proposed project and a grading plan needs to be a part of this project.

Commissioner Frautschi commented that he hopes this is not an initial indication of the project management and oversight and inattention that have been demonstrated over the past five years in previous attempts to redevelop this property, formerly under the name The Atrium on Ralston and now the Promenade on Ralston.

Commissioner Wozniak asked if 873-877 encompasses all of the buildings because there are some buildings that have other addresses. CDD de Melo stated that it encompasses the two commercial buildings that actually are located within four lots – two that front on Ralston and two that front on Emmett.

MOTION: By Commissioner Mercer, seconded by Commissioner Frautschi, that the Public Hearing for 873-877 Ralston be continued to September 19, 2006.

Ayes: Mercer, Frautschi, Wozniak, Horton, Parsons
Noes: None
Absent: Mayer, McKenzie

Motion passed 5/0/2

6C. PUBLIC HEARING – General Plan and Zoning Ordinance Amendments – Slope/Density Regulations – R-1A, R-1B, and R-1C Single Family Residential Zoning Districts

To consider amendments to Sections 2008 (Residential Land Use Categories – Description) and 2011 (Low Density Residential) of the City of Belmont General Plan, and amendments to Section 4.2.3 (Site Area, Dimension, and Density Limitations – R-1 Districts) of the City of Belmont Zoning Code. The amendments will consider establishing a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts. Planning Commission recommendations will be forwarded to City Council for final action. (Appl. No. 2006-0067) CEQA Status: Categorical Exemption per Section 15308 & Exemption per Section 15183(g); Applicant: City of Belmont

Commissioner Frautschi recused himself from the discussion because he is within 500' of 1515 Folger, Water District property that is potentially subdividable.

Commissioner Wozniak asked the City Attorney why Commissioner Frautschi had to recuse when this is a General Plan/Zoning Code Amendment and affects all of Belmont. CA Zafferano replied that there is a complex answer to that question but the bottom line is that anybody who lives within 500' of a property which might be the subject of the ordinance, even if it does affect some larger number of lots, may have to recuse themselves. They did an analysis of where people live in connection with the potentially subdividable lots that would be most affected by this ordinance, recognizing that other lots within 500' of those lots would also be affected and recommended that, absent a formal opinion from the FPCC, Commissioners who do live within 500' of one of these subject properties recuse themselves on that basis.

CDD de Melo summarized the staff report, concluding that the proposed amendments to the Belmont Zoning Ordinance Sections 4.2.3(a) & (c) and General Plans Sections 2008 and 2011 would achieve the objectives of the Zoning Plan and General Plan for the City, and provided Resolutions recommending this position to the City Council.

Commissioner Wozniak questioned why a particular lot was not considered in this study. CDD de Melo responded that it was probably because it did not have the minimum amount of frontage on a cul de sac to allow for a split from one lot to two, and explained how the development standards were applied to each lot.

Commissioner Wozniak asked why this ordinance applies only to R-1A, R-1B and R1-C districts. CDD de Melo replied that when the Council discussed this matter in terms of providing direction to staff on the scope of the Zoning Code and General Plan amendments, there was a level of comfort that the other two zoning districts, R-1E and R-1H, already have a minimum lot size starting at a half an acre or an acre and there was not as much concern that wholesale application of this slope/density requirement within those lots was appropriate. There are already strict development standards relative to minimum lot size applied to those two zoning districts.

Rick Frautschi, resident of Folger Drive, read a prepared statement urging the Commission to support and forward on to City Council a clear analysis of this important code change which creates consistency and fairness in applying slope/density subdivision throughout Belmont.

Steven Lesley, architect for 1320 Talbryn Drive and resident of San Bruno, felt that this significant issue should be put to a City vote and that, since they just got it there was not enough time for people to evaluate and comment on the recommendation. He felt that there would be irrefutable damage to his client's property value if this were to pass, adding that they have already submitted plans for preliminary design review and are in the process of formally submitting a planning design review application, and suggested that people who are already in the process of a project should be grandfathered in. He hoped that the Commission appreciated how much money, time and effort it takes to come up with all the requirements for a project of this type and asked that they allow more time for review and consider that they might fall under the old rules.

Anthony Matiasic, owner of 1320 Talbryn Drive, stated that this proposal affects him incredibly adversely. He has been in the process of consulting for the past year with Mr. de Melo and have abided by the rules and the stipulations of the current ordinance that is in effect, and that approving this ordinance in mid-stream would effectively annihilate his project. They have not had enough time to consult with legal staff and it seems incredibly un-American and unfair to him to pull the rug out from under him. He urged the Commission to table the issue. Responding to Chair Parsons' question, Mr. Matiasic stated that he lives on the property and will be there for the rest of his days.

Louis Arata, Civil Engineer and resident of Millbrae, felt that the proposed amendment is restrictive, excessive and going overboard. There are 86 lots potentially dividable currently and 8 or 20 after the ordinance, noting that the lots will be ¼ to ½ acre lots on the lower part of the City where there is nothing like that. He feels that some other areas should be taken into consideration on a case-by-case basis because there are some canyon areas where there have been problems in the past, but this is restricting the whole City as opposed to looking at the specific problems.

Rob Applegate, area realtor and resident of San Carlos, felt that making the changes referred to as slope/density further restricts the ability to develop lots and add needed housing. He felt it unfairly penalizes a very few number of people who have the larger lots, when everybody else is able to go ahead under the existing conditions and develop their lots, without really accomplishing what the City says their goals are as far as housing is concerned. Responding to Chair Parsons' question, Mr. Applegate stated that he does not live in Belmont.

MOTION: By Commissioner Wozniak, seconded by Commissioner Mercer, to close the Public Hearing. Motion passed.

Chair Parsons stated for the record that if this Council passes slope/density down the road it does not restrict the owners of these 80-some properties from doing what everybody does on their property – that is putting additions on and building within the current zones. All it does is restrict them if they want to subdivide the property and put additional houses on it.

CDD de Melo added that those 86 properties would have the same rights as the balance of the 5,700 properties – it's only in relation to new subdivisions of land.

Responding to Commissioner Wozniak's comment, CDD de Melo stated that the staff report was delivered to the Commission on Thursday and posted on the web on Friday, and was discussed at the July 25th and the August 8th Council meetings. Chair Parsons added that it has also been discussed in the newspapers for the past month and a half.

A brief summary of Commissioners' comments and discussion follows:

Vice Chair Horton:

- Could not make the finding that what is being proposed complies with the General Plan.
- Could not support minimum lot size as it applies to flat parts of town. 10,000 sq.ft. minimum lot size is appropriate on flat lots.
- Would support Alternative A but revise to different square footage of lot to percentage. There should be some kind of an increase but the increase shouldn't start as high and shouldn't go up quite as quickly.

Commissioner Mercer:

- Could make the finding that a slope/density table is needed that would apply consistently to all residential properties and suggested expanding it to all properties, even commercial.
- Had difficulty with the particular slope/density tables that were proposed. The staff proposal spells out a minimum 1/3 of an acre lot. Their real goal is to prevent over-building on the hillsides, and instead they're looking at preventing division of the lots. Wished they could have spent time looking at preventing building of over-big houses on existing lots. Concerned that requiring 15,000 sq.ft. is actually introducing some inconsistency in the zoning by saying that a neighborhood of 6- or 8,000-sq.ft. lots are now required to be triple that size; that is not complying with the General Plan requirement that development should be of as scale and character compatible with surrounding land uses.
- The table that most closely approximates what she would recommend is Alternative A but would change that to say that as you get to a smaller slope the minimum lot size should come down to more closely approximate the 9600 sq.ft. as is currently required in R-1A.
- Supportive of having a slope/density formula applied to all zoning.

Commissioner Wozniak:

- Could make the findings
- Agreed with Commissioner Mercer; would like to see it extended to existing properties with a separate formula.
- The slope starts at 10% so they're not talking about a flat lot. She felt that there is often a flat piece of

land and a steep piece of land on the same parcel that is being subdivided. She did not think that is unfair and works.

- She made the point that most of the lots in Belmont that have not as yet been developed have not been developed for a reason – they're very difficult. Only in the last 10 or 15 years engineers are saying they can build anything anywhere but will not guarantee it. She believes this ordinance will help so that people will not try to build on unbuildable lots.

Chair Parsons:

- Felt that some form of slope/density on the rest of the residential areas in Belmont provides consistency and fairness to everybody and gives the Planning Commission another tool when there is a subdivision. The Commission has had lots at 60% slope come in to be subdivided and they could not use the slope as a tool. The quality of life in Belmont hills needs to be preserved – the roads are windy and steep and there are not a lot of sidewalks, and the more houses that get jammed up on these steep lots create major construction and hazard problems that do not make sense to him.

- Agreed that perhaps Alternative A is a better alternative with some tweaking on the slope/density.

- Suggested including language that if any institutional properties were proposed for rezoning to residential, those properties must comply – they would be under the aegis of the slope/density in the appropriate areas of the community based on the zoning.

Discussion ensued regarding the feasibility of inclusion of institutional properties in this recommendation to Council.

City Attorney Zafferano stated that the Planning Commission could recommend whatever it wanted to the Council, and then in the time between this meeting and the September 12 Council meeting, staff could take a look at that and forward their recommendation on for consideration.

CDD de Melo confirmed that there was consensus that language be added as part of these zoning code amendments that would require institutionally designated properties upon a rezone to also be in compliance with whatever slope/density table is endorsed.

Discussion ensued regarding endorsing Alternative A with changes to the minimum lot sizes. The majority of Commissioners concurred that they should start at 1 – 15% with a 10,000 sq.ft. minimum lot size, then from that point create ranges as they go up. Staff will make the changes based on their discussion.

MOTION: By Commissioner Mercer, seconded by Commissioner Wozniak, that the Planning Commission adopt the Resolution (Attachment A) recommend amendments to the City Council for Sections 2008 (Residential Land Use) & 2011 (Low Density Residential) of the Belmont General Plan to establish a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C single family residential zoning districts.

Ayes: Mercer, Wozniak, Horton, Parsons

Noes: None

Recused: Frautschi

Absent: Mayer, McKenzie

Motion passed 4/0/1/2

MOTION: By Chair Parsons, seconded by Vice Chair Horton, that the Planning Commission adopt the Resolution (Attachment B) recommending amendments to the City Council for Sections 4.2.3(a) & (c) (Site Area, Dimension, and Density Limitations) of the Belmont Zoning Ordinance Number 360 to establish a slope/density requirement for new subdivisions in the R-1A, R-1B and R-1C single family residential zoning districts, with the changes outlined regarding Alternative A and revisions to the slope percentage chart starting with the 10,000 square foot minimum lot size and with the additional language regarding rezoning of institutional properties to residential.

Ayes: Parsons, Horton, Wozniak, Mercer

Noes: None

Recused: Frautschi

Absent: Mayer, McKenzie

Motion passed 4/0/1/2

7. REPORTS, STUDIES AND DATES

CDD de Melo reminded the Commission of the AB1234 Ethics Training that needs to be completed before the end of the year. Commissioners may talk to the City Clerk for scheduled seminars.

Chair Parsons called staff's attention to the dying landscaping at the care facility on 6th Avenue. It appears that the sprinklers are not being turned on.

Commissioner Frautschi inquired about the administrative approval at 1444 El Camino Real. CDD de Melo informed the Commission that the existing business is being purchased by the operator of the gas station currently on 6th Avenue and they will be required to adhere to the existing CUP and landscape plan. Commissioner Frautschi cautioned staff to be diligent with code enforcement efforts. Chair Parsons also requested that since they are proposing façade color and sign changes, the recoloring of the orange roof should be taken into consideration.

PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 12, 2006.

Liaison: Vice Chair Horton
Alternate Liaison: Commissioner McKenzie

Commissioner Frautschi will attend in place of Vice Chair Horton.

9. ADJOURNMENT:

The meeting was adjourned at 9:00 p.m. to a regular meeting on Tuesday, September 19, 2006, at 7:00 pm at Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.
Please call (650) 595-7416 to schedule an appointment.